

SEDGWICK COUNTY230100

RESOLUTION NO. 175-2012

**CITY OF WICHITA
ORDINANCE NO. 49-412**

Date Adopted by City of Wichita: 12-11-2012

Date Adopted by Sedgwick County: 11-21-2012

Date Published by City of Wichita: 12-17-2012

A JOINT CITY ORDINANCE AND COUNTY RESOLUTION ADOPTING THE WICHITA-SEDGWICK COUNTY UNIFIED BUILDING AND TRADE CODE FOR BUILDING, MECHANICAL, STRUCTURAL, PLUMBING, FUEL AND GAS, AND ELECTRICAL CODES; FOR BUILDING PLAN REVIEW; FOR APPOINTMENT OF CONSOLIDATED BOARDS TO ADVISE THE COUNCIL AND COMMISSION IN THE ADOPTION OF CODES AND REGULATIONS FOR THE CONSTRUCTION OF COMMERCIAL AND RESIDENTIAL BUILDINGS; PROVIDING FOR JURISDICTION OF ENFORCEMENT AND ESTABLISHING FINES FOR VIOLATIONS THEREOF; AND CREATING EXAMINATION AND LICENSURE STANDARDS FOR THOSE TRADES AND CONTRACTORS WITHIN THE CONFINES OF THE CITY OF WICHITA AND SEDGWICK COUNTY, KANSAS, AND INCLUDING THOSE SECOND AND THIRD CLASS CITIES LOCATED WITHIN SEDGWICK COUNTY WHICH HAVE BY ACTION OF THEIR GOVERNING BODIES ADOPTED SAID CODE APPLICABLE WITHIN THE SEDGWICK COUNTY JURISDICTION; AND THAT HAVE ENTERED INTO SEPARATE AGREEMENTS WITH SEDGWICK COUNTY PROVIDING FOR ENFORCEMENT WITHIN THEIR MUNICIPAL BOUNDARIES AND CONFERRING LEGAL JURISDICTION FOR ALL FUNCTIONS RELATING THERETO.

WHEREAS, the Governing Body of the City of Wichita is authorized by K.S.A. 12-3301, 12-3302 and 12-3009 *et. seq.*, to officially adopt, incorporate, and promulgate by ordinance codes, rules and regulations for building construction and related trades within the incorporated limits of the city; and

WHEREAS, the Board of County Commissioners is authorized by K.S.A. 12-3301 and 12-3303 *et. seq.*, to officially adopt, incorporate, and promulgate by resolution codes, rules and regulations for building construction and related trades within the confines of the county and those second and third cities that have adopted those codes, rules and regulations by action of their governing bodies and have entered into agreements related thereto; and

WHEREAS, the Board of County Commissioners of Sedgwick County, as the Governing Body of Sedgwick County, Kansas, and the City Council of the City of Wichita, as the Governing Body of the City of Wichita, have by official action in Ordinance 49-333 and

Resolution 135-2012, established and announced the joint policy and agreement to create the consolidated Metropolitan Area Building and Construction Department in order to better serve the public and to make more efficient and effective the customer service provided to all of their citizens and stakeholders; and to protect and preserve the safety and quality of the buildings and structures for human habitation and living environments; and

WHEREAS, Sedgwick County and the City of Wichita desire to create and adopt the new *Wichita-Sedgwick County Unified Building and Trade Code* for the joint adoption, creation and enforcement of codes and building trade standards, including all related activities thereto, and to establish the process of appointing members of the consolidated trade boards; and

WHEREAS, the *Wichita-Sedgwick County Unified Building and Trade Code* shall be jointly administered with the intent that the same will be adopted and maintained in substantially identical form where practicable, while considered the individual enactment of the City of Wichita or of Sedgwick County, as applicable; and that if either the City of Wichita or Sedgwick County fails to adopt a code, or a provision therein, or amends or repeals it while the other adopts, amends or maintains it in force, it shall be valid within the jurisdiction of the jurisdiction that adopted, amended or maintained it, notwithstanding its status in the other jurisdiction;

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF SEDGWICK COUNTY, KANSAS AND ORDAINED BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS THAT:

SECTION 1. ADOPTION.

- A. The *Wichita-Sedgwick County Unified Building and Trade Code* is hereby adopted and incorporated herein by the Board of County Commissioners of Sedgwick County, Kansas, as the official code for building, mechanical, structural, plumbing, fuel and gas, and electrical codes; and all related building plan review, establishing the process for appointing members to the consolidated advisory boards, setting examination and licensing standards, creating building and permit fees, enforcement procedures and fines, and related functions thereto, as more specifically defined therein, within the Sedgwick County Jurisdiction and unincorporated confines thereof, and including those second and third class cities located within Sedgwick County which have by action of their governing bodies adopted said code and have entered into separate agreements with Sedgwick County providing for enforcement within their municipal boundaries and conferring legal jurisdiction for all functions relating thereto.
- B. The *Wichita-Sedgwick County Unified Building and Trade Code* is hereby adopted and incorporated herein by the City Council of the City of Wichita, as the Governing Body of the City of Wichita, as the official code for building, mechanical, structural, plumbing, fuel and gas, and electrical codes; and all related building plan review, establishing the process for appointing members to the consolidated advisory boards, setting examination and licensing standards, creating building and

permit fees, enforcement procedures and fines, and related functions thereto, as more specifically defined therein, within the City of Wichita Jurisdiction and the incorporated city limits thereof.

SECTION 2. EFFECTIVE DATE.

The effective date of the *Wichita-Sedgwick County Unified Building and Trade Code* shall be January 1, 2013.

SECTION 3. ENFORCEMENT.

The *Metropolitan Area Building and Construction Department* ("MABCD") is hereby authorized to enforce the *Wichita-Sedgwick County Unified Building and Trade Code* and all related functions set forth and defined therein, within the incorporated confines of the City of Wichita, and the unincorporated confines of Sedgwick County, Kansas and those second and third class cities located within Sedgwick County which have by action of their governing bodies adopted the *Wichita-Sedgwick County Unified Building and Trade Code* and that and that have entered into separate agreements with Sedgwick County providing for enforcement within their municipal boundaries.

SECTION 4. SEVERABILITY.

If any provision or section of the *Wichita-Sedgwick County Unified Building and Trade Code*, incorporated herein, is deemed or ruled unconstitutional or otherwise illegal or invalid by any court of competent jurisdiction, such illegality shall not affect any other provision of said code. The *Wichita-Sedgwick County Unified Building and Trade Code* shall be construed and enforced as if such illegal or invalid provision had not been contained herein.

SECTION 5. EFFECT.

This joint Resolution and Ordinance shall take effect and be in force upon the adoption and publication once in the official County and City newspaper.

Commissioners present and voting were:

DAVID M. UNRUH	_____
TIM R. NORTON	_____
KARL PETERJOHN	_____
RICHARD RANZAU	_____
JAMES B. SKELTON	_____

Dated this 21st day of November, 2012.

BOARD OF COUNTY COMMISSIONERS
OF SEDGWICK COUNTY, KANSAS

ATTEST:

KELLY B. ARNOLD, County Clerk

TIM R. NORTON, Chairman
Commissioner, Second District

JAMES B. SKELTON, Chair Pro Tem
Commissioner, Fifth District

APPROVED AS TO FORM:

BILL H. RAYMOND
Assistant County Counselor

DAVID M. UNRUH
Commissioner, First District

KARL PETERJOHN
Commissioner, Third District

RICHARD RANZAU
Commissioner, Fourth District

PASSED by the governing body of the CITY OF WICHITA, KANSAS, this 11th day of
December, 2012.

CARL BREWER, Mayor

ATTEST:

KAREN SUBLETT, City Clerk

APPROVED AS TO FORM:

GARY E. REBENSTORF
Director of Law